

FILED

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION MAR 11 2008

MAR 11 2008

new

original

MICHAEL W. DORRINE  
CLERK, U.S. DISTRICT COURT

Case No: 08C 0920

Bobby Lee Harrison  
#2004-0072892 :  
Cook County Jail  
P.O. Box 089002  
Chicago, IL 60608

Judge Name Kennelly

Full name of the <sup>above the</sup> Plaintiff in this action

original

COUNTY OF COOK, ILLINOIS, THOMAS DART, IN his  
individual and official capacities as Sheriff of Cook County ILLINOIS,

SALVADOR GODINEZ, IN his individual and official capacities as,  
Executive Director of the Cook County CORRECTIONS,

CHESTER PLAXICO, IN his individual and official capacities as,  
Superintendent of the Division Ten, & Division Two.

<sup>above the</sup>  
Full name of the Defendants in this action.

BRIEF  
CAUSES OF ACTION

The Plaintiff entered the Cook County Jail on September 7, 2004.

BRIEF CAUSES OF ACTION

UNCONSTITUTIONAL LOCK-Down Unsanitary Living Conditions, Deprivation of THE Basis Human Needs, Substantial Risk of Serious Harm At The Cook County Corrections. ....

(1). AS I wrote in my complaint Case no: 08C-0920 I was transferred to division One (1). In September 2006. In July, 2007 I was transferred to division ten (10).

Around February 2007 division One (1) Medical psychiatric tiers were put on an official lock-down 18 & 6. Where one side come out in the morning between 7:30 & 8:00 A.M. and locked back up around 1:00 or 1:30 P.M.

On February 14, 2007 the Superintendent Villavieja, came on division 1, 2-G tier and made announcement. He said, the new Director Salvador Godinez, was trying something new, an official lock-down 18 & 6 Where, one side come out in the morning and the other side come out in the after-noon. Around a couple weeks later the Superintendent Villavieja, came back to 2-G medical tier and made another announcement. He said, the lockdown were unconstitutional, that psychiatric patients doesn't supposed to be on lock-down. We was immediately taken off the lock-down.

Around June 20, 2007 we detainees on the psychiatric medical tiers were put back on the illegal lock-down 18 & 6. We was transferred to division 10 psychiatric medical tier 2D around July 13, 2007, and put right back on the illegal lock-down.

(2). The psychiatric patients uses milk cartons and plastic to help the flames to stay lit to cooks with and to heat their's coffee in with and other commissary

The dark heavy Carbon monoxide causing high temperature, excessive heat, smoke, dust and particles in the air usual resulted into headache, dizziness, weakness, shorter of breath and burning eyes. We are being force to be locked in this kind of environment in our cells an average of 18 to 19 hours every day breathing the heavy Carbon monoxide, in division 1 when we was there. and treated the same way in division 10. This is an on going abuse. The officials don't do nothing to prevent this kind of environment. There, have been occasions when the Supervisors come on the tier when the detainees was cooking with Milk Cartons in their cells. Some time the Supervisor, well used a fire-extinter to put out the flames, some resulted into destroyed personal property. My Legal paper was destroyed by an fire-extinter when my cellie was cooking with milk cartons in the room.

(3). Plaintiff Filed numerous grievances, appeals, wrote letters to the Administrator and wrote letters to other agencies outside the institution prescribing this type of deprivation misconduct of the Staff, and unprofessional actions.

The plaintiff have not found no relief. Despite the plaintiff serious requests, the County have ignored his attempt, been deliberately ignored.

(A) County of Cook, Thomas Dart, and Salvador Godinez, violated the plaintiff 14<sup>th</sup> Amendment rights by placed a psychiatric patient on an official lock-down. The official lock-down it self is unconstitutional when it not authorized by psychiatrists staff.

(B) The County officials violated the plaintiff 14<sup>th</sup> Amendment when they act with deliberate indifference to the plaintiff condition, which exposes him to an risk of serious harm. See, *Helling v. McKinney*, 509 U.S. 25, 33 (1993).

(C) County of Cook, Thomas Dart, Salvador Godinez, and Chester Plaxico, act with deliberate indifference when they ignore an obvious and serious danger. *Famer v. Brennan*, 511 U.S. 825, 835 (1994). Exposure to the Carbonmonoxide is worse than being in the cell with someone who smoke 4 packs of cigarettes a day, because the Carbonmonoxide from the cartons and plastic release poison chemical in the air which caused serious headache, dizziness, weakness, shorter of breath, and burning watery eyes. We face a constant risk of contracting lungs diseases or cancer. Presents an unreasonable risk of serious harm See: *Reilly v. Grady*, 310 F.3d 519 (6<sup>th</sup> Cir, 2002).

(D) Cook County, Thomas Dart, Salvador Godinez, and Chester, refused to move the plaintiff after filed several grievances and appeals on November 30, 2007, December 31, and in January 2008. The plaintiff also wrote personal letters to the Sheriff on December, and on January 12, 2008 complained about the County Jail Condition, and requested to be move to division 8, or some place where the detainees don't cook in the cells, with milk cartons. The Superintendent Plaxico, signed the requests. Thomas Dart, Salvador, Chester Plaxico, was aware of the plaintiff statue and did nothing to address the issues. This constitute a deliberate indifference and violates plaintiff's rights under the 14<sup>th</sup> Amendment to the U.S. Constitution as well as Article I Section 2 of the State Constitution of Illinois.

Constitutional Violations, unsanitary Living Condition. Deprivation of The Basis Human Needs. Substantial Risk of Serious Harm At The Cook County Corrections,

(4). On August 15, 2007 I wrote a grievance on the office for abandoning the deck. Everyday the first & second shift officers locked the detainees in their cells and go on his or her lunch-break for a hour and sometime even longer, leaving the deck unattended.

(5) I witness to numerous attempted suicides where detainees attempted to hang themselves in their cells, with their sheets, or cut their wrist. If they had a cellie he usually screamed for the officer. On some occasions the office hears, and sometime he don't hears. There have been incident where detainees been found dead in their cells.

(6) The Cells is not equipped with a panic button to summoning help in case an emergency. The officer never come on the Kat-walks at nights or the tier except for count time or to passed out the razors. The medical psychiatric tiers doesn't have a sit in nurse, or a sit in officer to monitor the decks. I filed grievances & appeals against these issues.

(7) On November 27, 2007, around 1 AM Mr. Otis Brown, 47 years old in Cell (2307), on the low-side had a seizure while sleeping on the top bunk. He fell to the cement floor and busted his head, which resulted into serious injury to his four-head. His cellmate Mr. Terrell Jones, and detainee Mr. Lovdell Roberson, next door screamed and yelled for around ten minutes for help. Officer Butler, came to the scene, and attempted to call for emergency back-up. Final nurse Jones, a paramedic, and a supervisor arrived. Mr. Otis, have been lying unconscious on the <sup>floor</sup> for approximately 20 minutes. The staff seems to have had difficulty reached the Ambulance Services. When the Ambulance Services finally arrived, Mr. Otis, had been lying on the floor for approximately 35 to 40 minutes, still unconscious and still bleeding from the head.

### This Type of Deprivation Allegedly Cause Severe Psychiatric An Emotional Disturbance

E. County of Cook, Thomas Dart, Salvador Godinez, and Chester Plaxico, have violated the plaintiff's Fourteenth Amendment, has failed to institute Constitutionally adequate procedures to ensure that the plaintiff's well-being and safety is met. Unconstitutional acts that deprived plaintiff of the process guaranteed to him by the Fourteenth Amendment to the United States Constitution, and that violated the Illinois Law.

F. The plaintiff has repeatedly filed grievances and appeals pursuant to the CCDOC. grievance process complaining of the deprivation and unconstitutional acts. County of Cook, THOMAS DART, SALVADOR GODINEZ, and CHESTER PLAXICO, violate the Plaintiff's Fourteenth Amendment when act with deliberate indifference to a Jail Condition that expose the Plaintiff to an unreasonable risk of serious harm. The County know about the deprivation, the Superintendent Plaxico, signed the requests, and plaintiff mail letters to the Sheriff Dart, explained the violations. The Sheriff deliberately ignored the Plaintiff's serious requests. This constitute a deliberate indifference, and violate the Plaintiff's Civil Rights under the Fourteenth Amendment to the U.S. Constitution.

G. The fact is during the 2007 the medical staffs, and the Security staffs were experiencing a budget cut. The health staffs and the Security staffs is overworked, under-trained and underqualified to aid in an emergency. Because of the staff shortages and lack of, of trained detainees are effectively denied access to evaluations, diagnosis and treatment by qualified health care professionals. Such conditions endanger our health and well-being, make unnecessary suffering. The mental health medical decks was in division 1, now in division 10 do not have a nurse or an officer to sit and watch over the psychiatric patients. My opinion I find that these policies is improperly infringe upon detainees' fundamental rights of association, privacy, and liberty, which are protected by the first, ninth, and fourteenth Amendments. The physical environment are grossly inadequate and Constitutionally impermissible. The lack of funding is no excuse for depriving detainees of their constitutional rights. Amount to deliberate indifference. See. Smith v. Sullivan, 611 P.2d 1039, 1043-44 (5th Cir.).

## UNCONSTITUTIONAL DEPRIVATION & CONDITION OF CONFINEMENT

7. Plaintiff was in division 1, for around a year and deprived of hot water. If you were the first one into the Shower when the doors rolled it's a possibility, you may get a five minutes warm shower. Some of the detainees on the tier never took a Shower. On some occasions some detainees tried to force a detainee into the shower. Sometime resulted into a fight.

8. I filed numerous grievances & appeals. On 9/26/06 10/14/06 10/25/06. On 10/27/06. I filed a grievance requested, that the leaking sink be fix, or Appliance to wash our Clothings, or laundry services. And to get more hygie supplies. On 11/2/06 the Superintendent Villeuneva, response states: New washers and drivers will be installed, supplies will be delivered. The Appliances never was delivered.

9. Plaintiff, on 3/11/07 filed a grievance states: Division 1, tier is a medical deck, and it don't have any hot water in the Shower or rooms, that 2-G is unsantitary for sick people. In March, 2007 I filed a grievance about the Shower. On March 23/07 the Superintendent response states: Inmates continues to ~~wash~~ cloths deprives the hot water, that cleaning supplies was issued to all tiers, then is power washed weekly. Only power washed one tier in 6 months. On 10/22/07 I filed a grievance it states: There no hot water or heat on the tier. On 2/27/07 I wrote a letter to the Superintendent Villeuneva, 3/11/07 I wrote a letter to the Sheriff. In January 2007 I spoke to inspector. Around February 2007 I spoke to Sargeant Taylor, and other officials.

I filed number grievances about the inadequate Ventilation systems. In July 2007 I filed states: the ventilation systems are not provide adequate air inside the Cell on the high side. On July & around 19 I spoke to Superintendent Plaxico, when he came on the deck. No adequate measure yet have been taken.

10 Denial access to laundry. Since September 2006 plaintiff have been denied access to any type of appliances and supplies to do my whites with. For example division 1, and division 10 don't have an adequate sink, nor a table to do our laundry. We are force to wash our whites in the toilets or a sink where everyone base, and brath their teeth in. The sinks leaks and caused water to stand on the floor at all time. And if we make a cloth line to hang our whites on, the officers would come in, tared down the lines and throwed our clothings on the floor.

11. Inadequate bedding is heavily stained. Mattress is old wored out, heavily stained without a cover. 2 sheets is issue. The sheets is exchanged every 3 to 4 weeks. Have resulted into contracted fungal infections, rash, rine, worms, and sores. I been treated in the dispensary for these diseases.

Weekly supplies, one state bare of soap, one roll toilet paper, and state tooth paste a round every three weeks.

## Inadequate Clothing Exchange

12. In division 1 and division 10 detainees have been deprived of adequate clothing exchange. Plaintiff usual change uniforms around every 3 to 4 weeks. I filed numerous grievances and appeals. Some of the grievances was taken on shake-down. On 8/12/07 I filed a grievance states: We are being deprived of personal hygiene and sanitary living conditions. The division 10 Tier 2D has not changed clothings towels and bedding articles since August 2, 2007 and is August 12, 2007 and we still have not changed these articles. I filed a grievance on 9/19/07. On 10/30/07 9/23/06, and more.

## Inadequate Cell-houses

13. The division 1, was built in 1929, and has fallen below the Constitutional Standard don't too much of anything work proper. Two detainees is placed into an inadequate cell the cell is around 35 to 40 square feet in space, and there no mirrors on the walls. The cells dirty, unsanitary, and inadequate ventilation lighting systems.

Answer brief of Appellees at 46-49, 55-59. In *Battle v. Anderson*, supra, we upheld the district court's conclusion that it is incumbent on the incarcerating body to provide the individual with a healthy habitative environment." 564 F.2d at 395. In affirming in *Battle*, we upheld the finding that 60 square feet of living space was the minimum amount of square footage which the Eighth and Fourteenth Amendments require that a state provide an inmate. Id. at 395, 397, 403. A necessary corollary to this ruling is that a state must provide within such living space reasonably adequate ventilation, sanitation, bedding, hygienic materials, and utilities (i.e., hot and cold water, light, heat, plumbing). Id. at 394-95, 403; see also *Bono v. Saxbe*, 620 F.2d 669, 613 (7th Cir.) *Hite v. Leake*, 564 F.2d 670, 674 (4th Cir.). *Palmigiano v. Garraty*, supra, 443 F.supp. at 979; *Laaman v. Helgemoe*, 437 F.supp. 269, 308-09, 323 (D.N.H.) In short, a state must provide an inmate with shelter which does not cause his degeneration or threaten his mental and physical well-being. . . .

## Defendants

Defendant Thomas Dart, is Sheriff of Cook County. Dart, is responsible for Jail Conditions and operations at the Corrections. Dart, is also a final policy maker for defendant Cook County.

Defendant Salvador Godinez, is Executive Director of Cook County Correction. Godinez, is responsible for supervising the Corrections staff, maintaining detainees safety and security.

Defendant Chester Plaxico, is Superintendent of the Cook County Corrections, Chester, is responsible for the overall operation of the Corrections.

These above defendants violated the Plaintiff Fourteenth Amendment rights when act with deliberate indifference to a Jail Condition consisted of inadequate clothings exchange bedding, laundry services, water, supplies, living space, hygienic, ventilation systems, lighting, plumbing. These denials caused threaten to plaintiff mental and physical well-being. Unconstitutional acts violated the plaintiff. violated Fourteenth Amendment rights. The County was aware of these violations through the grievance administration board procedures. The County deliberately ignored. This constitute a deliberately indifference.



(14) Defendants is aware of, but has deliberately disregarded and ignored, the excessive risk to plaintiff's health and life caused mental stress.

### Denial outdoors Exercises

"H. From January 2007 until January 2008 the plaintiff only had access to outdoors exercises for around 8 to 9 times the plaintiff filed several grievances & appeals complained to the officers, Sargeants and Superintendent. Plaintiff filed grievance in June, July, September, August 2007. In September 2007 plaintiff complained about the denial outdoors exercises, and injuries he suffered - headaches, head burn, leg cramps and back pain. Denial outdoors exercises threatened the health of an individual, which violate the detainees fourteenth Amendment rights. Plaintiff filed grievances through the administrative board procedure, which made the County of Cook Thomas Dart, Salvador Godinez, and Superintendent Chester Plaxico aware of the deprivation, and the risk to the detainees health, and safety, but fail to respond reasonable to the risk, amount to deliberate indifference. See Supreme Court ruling in Farmer v. Brennan (1994)." . . . . .

Ten million dollars for compensatory damages, Two million dollars for punitive damages and Ten thousand dollars for nominal damages . . . . . If this case is certified as a class action County of Cook, Thomas Dart, Salvador Godinez, and Chester Plaxico, in their individual and official capacities under rules 23(a) civil right case, and rules 23(b) for an injunction, requiring the above defendants to fix the deprivation for the detainees who are housing in division 10 medical tiers for now or in the future that may be incarcerated in division 10 medical tiers. Seeking damages for the deprivations emotional, psychological and physical injuries. The defendants should be held liable for damages for the unconstitutional lock-down, abuse, unsanitary living conditions, deprivation that the plaintiff has . . . . . suffered and continues to suffer, in their individual capacity jointly and severally.

If this case is not certified as a class, the plaintiff will sue individual, seeking compensatory damages for the amount of 250,000 dollars, punitive damages 150,000  
Nominal damages 1,000 dollars from the same above defendants and the same capacities as court cost.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff Bobby Harrison, respectfully requests this Court award the above relief, and the following relief:

Declar that the and omissions described herein violated plaintiff under the Constitution and the Laws of the United States.

(2). To issue a preliminary injunction requiring the County of Cook, Illinois, and Thomas Dart, in his individual and official capacities as Sheriff of Cook County, Illinois along with Salvador Godinez, in his individual and official capacities, as Executive Director of the Cook County Jail, and Chester Plaxico, in his individual and official capacities as Superintendent of the division 10 & 2, the Cook County Jail To order these defendants to take the psychiatric patients off the unconstitutional lock-down in the division 10 medical decks. To correct all the violations listed in paragraphs 1-14 And to fixed whatever correction needed to make the division 10 psychiatric medical tiers safe and to meet the constitutional minimum requirement standards for psychiatric patients.

By Signing this Complaint, I certify that the fact stated in this Complaint are true to the best of my knowledge information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court signed 11 day of March, 2008

Signature of plaintiff Bobby Lee Harrison